ľ	
1	EDMUND G. BROWN JR., Attorney General of the State of California
2	GLORIA A. BARRIOS
3	Supervising Deputy Attorney General LINDA L. SUN, State Bar No. 207108 Deputy Attorney General
4	300 So. Spring Street, Suite 1702
5	Los Angeles, CA 90013 Telephone: (213) 897-6375 Facsimile: (213) 897-2804
6	Attorneys for Complainant
7	
8	
9	BEFORE THE
10	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
11	
· 12	In the Matter of the Accusation Against: Case No. $\rightarrow 0009 - 191$
13	SHARON K. REUMANN-LINAM
14	17201 Parthenia Street Northridge, CA 91325  A C C U S A T I O N
15	Registered Nurse License No. 451854
16	Respondent.
17	
18	Complainant alleges:
19	<u>PARTIES</u>
20	1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21	solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22	("Board"), Department of Consumer Affairs.
23	2. On or about March 31, 1990, the Board issued Registered Nurse License
24	Number 451854 to Sharon K. Reumann-Linam ("Respondent"). Respondent's registered nurse
25	license expired on April 30, 2008.
26	///
27	///
28	///
Į	

1	STATUTORY PROVISIONS
2	3. Business and Professions Code ("Code") section 2750 provides, in
3	pertinent part, that the Board may discipline any licensee, including a licensee holding a
4	temporary or an inactive license, for any reason provided in Article 3 (commencing with section
5	2750) of the Nursing Practice Act.
6	4. Code section 2764 provides, in pertinent part, that the expiration of a
7	license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
8	against the licensee or to render a decision imposing discipline on the license. Under Code
9	section 2811, subdivision (b), the Board may renew an expired license at any time within eight
10	years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . . .

- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action . . .
  - 6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022 . . .
- 7. Health and Safety Code section 11170 states that no person shall prescribe, administer, or furnish a controlled substance for himself.

1 /

### **COST RECOVERY**

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### CONTROLLED SUBSTANCE AT ISSUE

9. "Marijuana" is a Schedule I controlled substance as designated by Health and Safety Code section 11054, subdivision (d)(13).

## FIRST CAUSE FOR DISCIPLINE

# (Disciplinary Action by the Arizona State Board of Nursing)

10. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Arizona State Board of Nursing ("Arizona Board"), as follows: On or about May 11, 2007, pursuant to Findings of Fact, Conclusions of Law and Order No. 0511001 in the disciplinary action titled In the Matter of Professional Nurse License No. RN110535 Issued to: Sharon Kay Reumann-Linam, etc., the Arizona Board suspended Respondent's nursing license pending a psychological evaluation, with emphasis on substance abuse, by a Board-approved evaluator who is at a minimum Ph.D. prepared, to be scheduled and completed within one (1) year from the effective date of the Order. The Arizona Board further ordered that if Respondent failed to complete the evaluation within 1 year, her nursing license shall be automatically revoked for a period of five (5) years. Pursuant to the Findings of Fact, Respondent tested positive for marijuana on a pre-employment drug screen on or about October 23, 2005. On July 30, 2008, Respondent's nursing license was automatically revoked by the Arizona Board due to her failure to provide documentation of completion of the psychological evaluation within the one (1) year time period.

26 | ///

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

27 ///

28 ///

### SECOND CAUSE FOR DISCIPLINE

## (Self-Administration of a Controlled Substance)

11. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that Respondent self-administered marijuana, a controlled substance, without lawful authority therefor, as set forth in paragraph 10 above.

## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 451854, issued to Sharon K. Reumann-Linam;
- 2. Ordering Sharon K. Reumann-Linam to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

**Executive Officer** 

State of California

Complainant

Board of Registered Nursing Department of Consumer Affairs

3. Taking such other and further action as deemed necessary and proper.

17 DATED: 315109

18

1

2

3

4

5

6

7

8

9

10

11

12

. 13

14

15

16

19

20

21

22

23

24

25

26

27

28

7 phd;

03579-110-LA2008601639 phd; 01/08/2009

4